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Counsel for Mizco International, Inc.

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

CIRCUIT CITY STORES, INC., *et al.*,

Debtors.

Case No. 08-35653-KRH
Chapter 11
(Jointly Administered)

MOTION TO ADMIT JOHN D. D'ERCOLE PRO HAC VICE

Pursuant to Local Bankruptcy Rule 2090-1(E)(2), Sheila deLa Cruz (the "Movant"), a member in good standing of the Bar of the Commonwealth of Virginia and the United States Bankruptcy Court for the Eastern District of Virginia, files this motion with the Court for an Order permitting admission of John D. D'Ercole, Esquire, of the law firm of Robinson Brog Leinwand Greene Genovese & Gluck P.C. ("Robinson Brog"), 875 Third Avenue, New York, NY 10022, to appear and practice *pro hac vice* on behalf of Mizco International, Inc. ("Mizco") in the Chapter 11 bankruptcy proceedings commenced by the Debtors and the related adversary proceeding styled *Siegel v. Mizco International, Inc.* (Adv. Pro. No. 10-03703) (the "Adversary Proceeding"). In support thereof, the Movant states the following:

1. John D. D'Ercole is a partner of Robinson Brog and has been retained by Mizco in the Adversary Proceeding.

2. He is an attorney licensed to practice law in the State of New York and has been a member in good standing of the New York Bar since 1986. Mr. D'Ercole is also admitted to practice in the United States District Courts for the Eastern and Southern and Districts of New York and the United States Court of Appeals for the Second Circuit. A true and accurate copy of his *pro hac vice* application is attached hereto as **Exhibit A**.

3. Mr. D'Ercole is not the subject of any pending disciplinary or grievance proceedings.

4. He has read and shall be governed by the local rules of this Court, the rules of professional conduct and all other requirements governing the professional behavior of members of the Virginia Bar.

WHEREFORE, the Movant respectfully requests the entry of the order attached hereto as **Exhibit B**, authorizing John D. D'Ercole, Esquire, to appear *pro hac vice* in these jointly administered cases and the related Adversary Proceeding only, and for such other and further relief as the Court deems just and proper.

Dated: March 17, 2011

MIZCO INTERNATIONAL, INC.

By: /s/ Sheila deLa Cruz

Counsel

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Sheila deLa Cruz (VSB No. 65395)
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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2011, I caused a true and correct copy of the foregoing Motion to be electronically served by the Court's CM/ECF system to counsel for all necessary parties, including counsel for the Debtors, the Trustee of the Circuit City Stores, Inc. Liquidating Trust, and to the Office of the U.S. Trustee

/s/ Sheila deLa Cruz

Counsel

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

APPLICATION TO QUALIFY AS A FOREIGN ATTORNEY UNDER
LOCAL BANKRUPTCY RULE 2090-1(E)(2)

In Case No.: 08-35653-KRH, * Case Name In re Circuit City Stores, Inc., et al.

PERSONAL STATEMENT

FULL NAME (no initials, please) John Dominick D'Ercole
Bar Identification Number 2074805 State New York
Firm Name Robinson Brog Leinwand Greene Genovese & Gluck P.C.
Firm Phone # (212) 603-6300 Direct Dial # (212) 603-6368 FAX # (212) 956-2164
E-Mail Address jdd@robinsonbrog.com
Office Mailing Address 875 Third Avenue, 9th Floor, NY, NY 10020-0123
Name(s) of federal court(s) in which I have been admitted EDNY, SDNY, EDPA, DNJ, DMD

I certify that the rules of the federal court in the district in which I maintain my office extend a similar *pro hac vice* admission privilege to members of the bar of the Eastern District of Virginia.

I have not been reprimanded in any court nor has there been any action in any court pertaining to my conduct or fitness as a member of the bar.

I hereby certify that, within 90 days before the submission of this application, I have read the Local Rules of this Court and that my knowledge of the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Evidence is current.


(Applicant's Signature) John D. D'Ercole

I, the undersigned, do certify that I am a member of the bar of this Court, not related to the applicant; that I know the applicant personally, that the said applicant possesses all of the qualifications required for admission to the bar of this Court; that I have examined the applicant's personal statement. I affirm that his/her personal and professional character and standing are good, and petition the court to admit the applicant *pro hac vice*.


(Signature)

3/16/11
(Date)

Sheila de la Cruz
(Typed or Printed Name)

**Pro hac vice* admission in a case shall include an adversary proceeding(s) in the case.



EXHIBIT B

David K. Spiro (VSB No. 28152)
Sheila deLa Cruz (VSB No. 65395)
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Counsel for Mizco International, Inc.

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In re:

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Case No. 08-35653-KRH
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ORDER APPROVING ADMISSION PRO HAC VICE OF JOHN D. D'ERCOLE

This matter comes before the Court upon the Motion to Admit John D. D'Ercole *Pro Hac Vice* (the "Motion") filed by Sheila deLa Cruz, Esquire. The Motion requests the entry of an order approving the admission *pro hac vice* of John D. D'Ercole of the law firm of Robinson Brog Leinwand Greene Genovese & Gluck P.C., for the purpose of representing Mizco International, Inc. in the above-referenced bankruptcy case and the related adversary proceeding styled *Siegel v. Mizco International, Inc.* (Adv. Pro. No. 10-03703) (the "Adversary Proceeding"). Based upon the representations set forth in the Motion and Mr. D'Ercole's *pro hac vice* application, and finding it otherwise proper so to do, it is hereby:

ORDERED that John D. D'Ercole, Esquire, is hereby **ADMITTED** *pro hac vice* to practice before the Court in these bankruptcy proceedings and the Adversary Proceeding.

Dated: _____
Richmond, Virginia

United States Bankruptcy Judge

Entered on Docket: _____

I ask for this:

/s/ Sheila deLa Cruz
David K. Spiro (VSB No. 28152)
Sheila deLa Cruz (VSB No. 65395)
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sdelacruz@hf-law.com

Local Counsel for Mizco International, Inc.

CERTIFICATE OF ENDORSEMENT

I hereby certify, under Local Rule 9022-1, that the foregoing Order has been endorsed by
and/or served upon all necessary parties.

/s/ Sheila deLa Cruz
Local Counsel